

**AGENDA**  
Inland Wetland Agency  
Regular Meeting  
Monday, October 3, 2011  
Council Chambers, Audrey Beck Building

Call to Order:        7:00 PM

Review of Minutes of Previous Meetings and Action Thereon:  
8.01.2011 - Regular Meeting

Communications:  
Conservation Commission:        W1487 - Wright - deck in buffer  
GM monthly business memorandum

Old Business:  
W1487 - Wright - Mansfield City Rd - deck in buffer  
  
W1485 - Bell - 552 Bassetts Bridge Rd - New Barn and Addition to Existing Barn  
Time Extension has been received - M.A.D. is now Nov. 25, 2011

New Business:  
New Application:  
none

Reports of Officers and Committees:

Other Communications and Bills:  
DEP Training Session  
DEP Legislation and Regulations Advisory- re: minor changes to statutes

Adjournment:

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**DRAFT MINUTES**  
**MANSFIELD INLAND WETLANDS AGENCY**  
Tuesday, September 6, 2011  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, K. Holt, G. Lewis, P. Plante,  
B. Pociask, B. Ryan  
Members absent: M. Beal, R. Hall  
Alternates present: F. Loxsom (7:03pm), K. Rawn, V. Ward  
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:02 p.m. He appointed alternates Rawn and Loxsom to act in members' absence.

**Minutes:**

08-01-11 – Plante MOVED, Ryan seconded, to approve the 8-1-11 minutes as written. MOTION PASSED UNANIMOUSLY. Lewis noted that he listened to the recording of the meeting.

**Communications:**

The 8-17-11 draft Conservation Commission Minutes and the 9-1-11 Wetlands Agent's Monthly Business report were noted.

**Old Business:**

**W1484 - Kouatly - 98 Fern Rd - 1 Lot Re-Subdivision**

Peter Henry, P.E., of Holmes & Henry, reviewed the plans and specifically the changes to sheet 2 of the revised plans. Favretti noted no questions or comments from the public or the Agency.

Holt MOVED, Ryan seconded, to approve the application for wetlands file W1484, on property of M. Youssef I. and Ann M. Kouatly, for a re-subdivision of land located at 98 Fern Road, as depicted on a plan dated 7/12/2011 and bearing the latest revision date of 8/30/2011, creating one new lot with portions of the Building and Development Area Envelopes located within regulated areas, as described in presentations made to the Inland Wetlands Agency at its August 1, 2011 meeting. This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls (as shown on the plans) shall be in place prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until September 6, 2016), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**W1486 - Gore - 166 Baxter Rd - sunroom in buffer**

Holt MOVED, Ryan seconded, to approve the application for wetlands file W1486, on property of Dennis & Amy Wright, for construction of a sunroom addition to the existing house at 166 Baxter Road, as outline in application submissions including a map revised to 7/20/2011 showing the location and placement of the addition as detailed on those plans. This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls (as shown on the plans) shall be in place prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized.
2. No debris from construction or yard maintenance shall be dumped over the edge of the slopes toward the wetland other than the yard grading as depicted on the plan.

This approval is valid for a period of five years (until September 6, 2016), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**Old Business Pending:**

**W1485 - Bell - 552 Bassetts Bridge Rd - New Barn and Addition to Existing Barn**

Meitzler noted a September 1, 2011, letter from Jean E. Bell requesting an extension of time to allow for their engineer to revise their plans and adequate time for review by staff.

Holt MOVED, Ryan seconded, to grant the Bell's request for an extension of time. MOTION PASSED UNANIMOUSLY.

**New Business:**

**W1487 - Wright - Mansfield City Rd - deck in buffer**

Goodwin MOVED, Holt seconded, to receive the application submitted by Susan Wright (IWA file #1487) under the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a rear deck on an existing house, on property located at 878 Mansfield City Road, on property owned by the applicant, as shown on a map dated 8/18/11 and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

**Agent Approval:**

**Mongeau - 131 Bassets Bridge Rd - shed, 90' from wetlands**

Meitzler noted that as Wetlands Agent he approved construction of a shed 90 feet from the wetlands at 131 Bassetts Bridge Road. The legal notice appeared in the Chronicle on Tuesday, September 6, 2011.

**Public Hearing:**

**W1483 - Cumberland Farms - Middle Tpk/Storrs Rd - Gas Sta. & Convenience Store**

Meitzler noted an August 30, 2011, letter from attorney Joseph P. Williams of Shipman & Goodwin, applicant's representative, requesting a withdrawal of the application.

Goodwin MOVED, Holt seconded, that the Inland Wetlands Agency accepts the withdrawal of the Cumberland Farms, Inc., wetlands application for a convenience store and gas station located at 643 Middle Turnpike and 1660 Storrs Road. The letter of withdrawal shall be made a part of the minutes of this meeting. MOTION PASSED UNANIMOUSLY.

**Adjournment:**

Favretti noted an upcoming field trip on September 13 at 1:30 p.m., and then declared the meeting adjourned at 7:22 p.m.

Respectfully submitted,

Katherine Holt, Secretary

Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 21 September 2011  
Conference B, Audrey P. Beck Building  
**(draft) MINUTES**

*Members present:* Peter Drzewiecki (from 8:05p), Neil Facchinetti, Quentin Kessel, Scott Lehmann, John Silander, Frank Trainor. *Members absent:* Aline Booth (Alt.), Joan Buck (Alt.), Robert Dahn. *Others present:* Grant Meitzler (Wetlands Agent), William Shakalis (from 8:00p).

1. The meeting was **called to order** at 7:32p by Chair Quentin Kessel.

2. The draft **minutes of the 17 August 2011 meeting** were approved as written.

**3. IWA referrals**

- a. **W1487 (Wright, Mansfield City Rd.)** The applicant proposes to construct a deck on concrete piers across the back of her house; its edge would be 55' to 65' from wetlands in woods down a gentle slope from the house. The Commission unanimously agreed (**motion:** Silander, Lehmann) with Meitzler's assessment that no significant impact on wetlands is to be expected, provided standard erosion controls are employed during construction. (Lehmann participated in the 26 August IWA Field Trip to this site; his report is attached.)
- b. Revised plans are not yet available for **W1485 (Bell, Bassetts Bridge Rd.)**.
- c. Cumberland Farms has withdrawn its application (see W1483) to re-develop the blighted Kathy Johns & Republic Oil site at Four Corners, apparently out of concern about future assessments for extending water and sewer lines to this area.

**4. Notifications.** Kessel noted recent articles on or by former members of the Commission: a tribute to Sam Dodd in *Connecticut Woodlands* (Summer 2011) and an op-ed piece in *The Hartford Courant* on conserving water resources by Bob Thorsen. He also informed the Commission that the Windham County Conservation Consortium, which brings together like-minded groups and individuals in Windham County, will meet on 26 September.

**5. UConn water supply study.** UConn has determined that it needs additional water to meet its own needs and its legal obligations to other users (such as the new Storrs Center project). An Environmental Impact Evaluation for the project is being prepared. It will consider various options, of which the most likely now appear to be additional wells in the Willimantic well-field or connecting to Connecticut Water Company mains in Tolland.

**6. Vegetation Control in Swan & Mirror Lakes.** UConn has applied to DEEP for a permit to use copper compounds to control algae in Swan and Mirror Lakes, as it has in the past. Weeds have been removed by dredging and pulling by hand – as aquatic gardens, these lakes require upkeep.

**7. Eagleville Dam repair.** DEEP has applied to itself for a permit to undertake minor repairs to Eagleville Dam and its spillway.

**8. UConn Hazardous Waste Transfer Station.** Kessel observed to those attending a recent Town-Gown Committee meeting that no progress seems to have been made on relocating this facility from behind Horsebarn Hill (in a public water supply watershed) to a site near UConn's sewage treatment plant.

**9. Agronomy Farm.** Facchinetti reported that there has been no response yet from the University to the latest letter from the Storrs Heights Neighborhood Association regarding operations at the Agronomy Farm.

**10. Ponde Place.** The Ponde Place developers are appealing an adverse DPH ruling that wells drilled to monitor the impact on neighborhood wells of withdrawals from test wells cannot be used to supply water to the development because they are likely to draw pollutants from the old nearby UConn chemical landfill.

**11. CL&P Interstate Reliability Project.** Kessel believes this proposal for routing what is essentially an electricity pipeline to Fairfield County through the Quiet Corner is now a done deal.

**12. Dark Skies.** William Shakalis reported to the Commission on his conversations with various individuals interested in reducing light pollution in the area and on what he has learned about state and local lighting ordinances. He believes that the town's regulations are "thin" on light pollution and could be substantially improved. UConn is by far the largest producer of stray light in town, but, as a state agency, it is not subject to town rules; however, it does aspire to being regarded as an environmentally responsible institution and may be approachable on that basis. The Commission agreed that it would be most appropriate to proceed by first getting the town to tighten its lighting regulations and then trying to get UConn on board. In both cases, it should be emphasized that better designed and more efficient lighting can save money, enhance security, and reduce light pollution. To start this process, Kessel and Shakalis agreed to meet with Town Planner Linda Painter to recommend that Mansfield incorporate into its regulations the International Dark Sky Association's Model Lighting Ordinance (or portions thereof).

**13. Village Street.** The Storrs Center developers have applied to PZC for a permit to construct a road connecting the site of Storrs Center to Post Office Rd. The Commission did not think it necessary to add anything to its original comment on the proposed Storrs Center project, which included this road. See Comment on PZC 1256-57, 18 April 2007.

**14. Election of Officers.** The present Gang of 3 (Chair Quentin Kessel, Vice Chair John Silander, and Secretary Scott Lehmann) agreed to serve for another year.

**15. Adjourned** at 8:58p.

Scott Lehmann, Secretary, 22 September 2011

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**Attachment:** Report on 13 September 2011 IWA Field Trip

The only site visited on the 13 September 2011 IWA Field Trip concerned IWA 1487 (Wright, 878 Mansfield City Rd). The applicant proposes to add a deck across the back of her house, from which the land slopes gently into woods and – beyond two parallel low stone walls – wetlands about 55-65 ft from the edge of the proposed deck. I did not see anything suggesting a significant wetland impact, as long as silt fencing is in place during construction.

Scott Lehmann

Memorandum:

September 26, 2011

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: Monthly Business

**W1419 - Chernushek - hearing on Order**

3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.

(The Order was dropped on approval of the application required in the Order.)

4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.

5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.

6.13.09: Work is underway.

6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.

7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).

9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.

9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.

10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.

10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.

**W1445 - Chernushek - application for gravel removal from site**

11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernushek's request for modification.

12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.

- 1.12.10: 65 day extension of time received.
- 2.18.10: No new information has been received.
- 2.25.10: This application has been **withdrawn**.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

#### **Mansfield Auto Parts - Route 32**

- 9.01.10: Inspection - no vehicles are within 25' of wetlands. Mr. Bednarczyk has started removing tires from the westerly part of his site using roll-off containers. With this arrangement a moderately steady rate of removal of the tires should be possible to maintain until the tires are completely removed.
- 9.28.10: Inspection - no vehicles are within 25' of wetlands. Tire removal is continuing with 1 to 2 roll-off containers being removed per month.
- 10.07.10: Inspection - no vehicles are within 25' of wetlands. Tire removal has been continuing.
- 11.29.10: Inspection - no vehicles are within 25' of wetlands. Owner has been trucking cars for crushing with 6 tires per vehicle. He indicates 3 cars per day or 18 tires per day. The actual number is probably lower than 18.
- 12.23.10: Inspection - no vehicles are within 25' of wetlands.
- 1.07.11: Inspection - no vehicles are within 25' of wetlands.
- 1.20.11: Vehicle storage areas are snowed in and inaccessible.
- 1.26.11: Snows remain, although some clearing has been done I could not count on being able to get out.
- 2.24.11: Inspection - no vehicles are within 25' of wetlands.
- 3.09.11: Inspection - no vehicles are within 25' of wetlands.
- 3.22.11: Inspection - no vehicles are within 25' of wetlands.
- 4.25.11: Inspection - no vehicles are within 25' of wetlands.
- 5.17.11: Inspection - no vehicles are within 25' of wetlands. Mr. Bednarczyk's estimate is that approximately 100 tires per month are being removed from the site.
- 6.14.11: Inspection - no vehicles are within 25' of wetlands.
- 7.12.11: Inspection - no vehicles are within 25' of wetlands.
- 8.04.11: Inspection - no vehicles are within 25' of wetlands.
- 9.13.11: Inspection - no vehicles are within 25' of wetlands.

#### **Paideia - Dog Lane**

- 8.05.11: Meeting on site with Elios Tomassos, Linda Painter, Grant Meitzler. Discussed requirements for sediment & erosion control with Mr. Tomassos. Contractor delivering fill has begun grading.
- 8.08.11: Inspection - silt fencing is in place and shows evidence of



trapping sediment from the weekend storm which was reported as much as 4 inches in this area.

Contractor has been grading on site all day.

9.14.11: The filled area has been seeded and is starting to show grass growth.

9.26.11: Grass growth has continued to come in. This is temporary stabilization and final grading remains to be done.

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Memorandum:

September 26, 2011

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: W1487 - Wright - 858 Mansfield City Rd - deck in buffer

plan reference: dated 8.18.2011

This application is for a new deck along the rear of the existing house. The deck is to be built for the full length of the house (62') and extend out approximately 12' to 15'. The deck is to be placed on posts.

The wetlands here were mapped when this subdivision was approved (about ten years ago). The deck is depicted on a copy of the earlier plan. The wetlands are typical wooded shrub swap areas that are tributary to the Boggy Meadow marsh seen from the sharp curve on Mansfield City Rd about 1/4 mile northwest of this site.

At its closest point the deck is 56' from the edge of wetlands. Along most of the deck's length the wetlands are 65' away. This intervening area includes about 45' of undisturbed woods, and about 15' of yard area. Both the yard and the woods are gently sloping towards the wetlands.

Boulders from the site construction were placed long the edge of the yard and provide a very distinct separation line between the yard and the wooded areas beyond.

The volume of earth that will be excavated for the post holes I estimate at 1.5 cubic yards. This volume can easily be spread within existing yard areas.

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Wetlands DRAFT Motion for: WRIGHT

Holt grant moves and seconds to grant an Inland Wetlands License under ~~the~~ the Wetlands and Watercourses Regulations of the

Town of Mansfield to Susan Wright(file W 1487) for construction of a rear deck on an existing houseon property owned by the applicantlocated at 878 Mansfield City Roadas shown on a map dated 8/18/11, ~~revised~~and as described in other application submissions, ~~and as heard at Public Hearing(s) on~~

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

~~1. Erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.~~  
~~2. Plans shall not be signed until all DEP permit requirements have been addressed.~~

1.) No erosion & sediment controls are needed, unless specified by the Wetlands Agent at start of construction. All excavated earth (for the post holes) shall be spread within the existing yard area.

(last) This approval is valid for a period of five years (until October 3, 2016) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment.

WRIGHT

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Memorandum:

September 28, 2011

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: W1485 - Bell - Bassetts Bridge Rd - Wedding Venue

plan reference: dated September 19, 2011

This application proposes changes to the present plant nursery operation. The present operation was approved by the Wetlands Agency in 2004 (W1257).

The work involves only upland review areas - no work is proposed directly in wetlands. There are three quite distinct wetland areas. These are located centrally across this 38 acre site:

1. a large ponded area with large seasonal fluctuations in water level.  
This is apparently fed by groundwater underlying the southeasterly portions of the site and adjacent areas to the east. This area is approximately 2 acres in size. The former approval gave permission to place a footpath around this ponded area and to grow wetland plants in selected areas around this pond. Near the proposed changes and within the adjacent undisturbed tree line there is a wetland area mapped that is very close to the same elevation as the 2 acre pond and is also apparently groundwater fed.
2. the second area of wetlands is located within the open mowed grass areas and these wetlands have been reworked. There is a manmade pond 75' in diameter just to the left of the entrance drive. This pond has a protective plant buffer around it with work limited to occasional brush removal. On the right of the entrance drive there is a brook flowing to the north in a manmade swale running about 230 feet to the northerly treeline at the edge of the mowed areas.
3. Beyond the manmade brook route described above there is a large wooded shrub swamp wetland. This is more than 150' away from the edges of proposed work on the site. This wetland connects with continuing wetlands located on adjacent lands of Popeleski and Abell. The first straight portion of the entrance drive is 390' long with this wetland area located on each side within the 150' regulated area adjacent to wetlands.

The proposed changes are for the purpose of adding a wedding venue to the site, and include the following:

- access

The first straight portion of the entrance drive is 390' long with this wetland area located on each side within the 150' regulated area adjacent to wetlands. There is a wide area at the intersection with Bassetts bridge Rd - this is wide enough to entering and exiting cars to pass each other.

The plan submitted shows the drive as 12' wide. To me, this appears to be the travelled way now in use. Based on my recollection of the former drive improvements, I think the suitable surface for traffic is wider. Mowing the edges may widen the entrance way enough to accommodate the heavier traffic that will result from this new use on the site. If more than one wedding a day is to occur there will be a coinciding period of entering and exiting traffic that overlap. If new earthwork is needed along the edges to accommodate two way traffic that could involve work directly in adjacent wetlands on either side. It may also be that nothing more than mowing along the present sides will show suitable traffic surface for two vehicles to pass.

- additional parking

The Statement of Use indicates a need for from 25 to 60 cars for any individual event. The plan indicates a "parking area" on the grass adjacent to the entrance drive and next to the manmade swale across the mowed area on the north side of the entrance drive.

I have two concerns over the choice of this area. No information on the treatment of this area has been provided. The present surface is very rough and overall not suitable for driving. It appears that stone removal has been done in the past without refilling the holes created. This parking area is not specifically defined but is shown at what I take as directly adjacent to the manmade brook in 2. above. More information is needed.

I recommend relocating this parking to both sides of the entrance drive in the area of the white entrance gates located along the entrance drive just past the second large curve entering the site. The grass area parking should be kept away from the wetlands. I recommend keeping this parking 75' from the wetlands (Manmade pond and brook).

It is my understanding that a handicapped space requires a paved surface. The designated handicapped space area is grassed. It is also a raised area with out protected edges. I recommend at least a fence to provide a visual barrier against running off the area.

- building additions to the barn

The closest distance of the building addition, kitchen and rest rooms is 79' from the adjacent wetlands. With this being slab on grade construction, I see little chance for impact as the driveway and the raised grass areas between the additions and the nearby wetlands should limit movement. I do suggest material stockpile area be designated within the active nursery areas and be either protected or kept away from wetlands.

- a storage building (specifically related to the nursery operation)



The 20'x 48' proposed storage building is an as-of-right exemption from wetlands jurisdiction being an essential for the site's plant nursery operation. I note also that this areas is sloped to drain away from the mapped wetlands on the site and that thee are no wetlands located within 150' down hill (to the west). The existing pergola area is to be extended along the southwest and southeast sides of the barn.

Summary Comments:

1. The entrance drive should be made suitable for two vehicles to pass. Mowing the present edges may be enough if suitable material is present underneath the roadside growth. Otherwise earthwork in or adjacent to wetlands may be needed to make this wide enough for two vehicles to pass.
2. More information is needed on the parking lot surface treatment, and designated parking area locations and limits.
3. Parking lots in grassed areas should be kept 75' from adjacent wetlands.
4. It is my understanding that a handicapped space requires a paved surface. I recommend at least a rail fence along the top of the stonewall drop-offs at the edges of this area to provide a visual barrier against running off the area.
5. I suggest a material stockpile area be designated within the active nursery areas and be either protected or kept away from wetlands.

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Memorandum:

September 26, 2011

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: New Business for October 3, 2011 meeting

There are no new applications for this meeting.

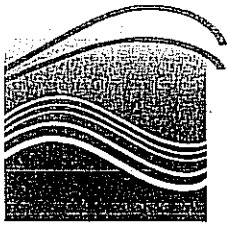
**Regulation Revisions:**

This was just received and it involves complex involvement with Chapter 8 statutes together with some interpretation.

The changes deal with permit validity time periods and involve different time limits for permits issued on different dates.

I expect to be able to present comment after a careful review and discussion with the DEP Wetlands Office.


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Connecticut Department of

ENERGY &  
ENVIRONMENTAL  
PROTECTION

To: Connecticut's Municipal Inland Wetlands Agencies

From: Betsey Wingfield, Bureau Chief   
Bureau of Water Protection and Land Reuse

Dated: September 8, 2011

Re: 2011 Legislation and Regulations Advisory

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In 2011 the Connecticut General Assembly amended the Inland Wetlands and Watercourses Act (IWWA) with the passage of two public acts: Public Act No. 11-5 and Public Act No. 11-184.

Public Act No. 11-5 amends sections 8-3(m), 8-26c(e), 8-26(c), and 22a-42a(g) of the General Statutes of Connecticut. Specifically, section 4 of the public act, which amends section 22a-42a(g) of the IWWA, extends the deadlines that apply to certain inland wetlands agency permits. The new language states that any permit issued by a municipal inland wetlands agency that did not expire before May 9, 2011 (the effective date of the public act), is valid for nine years from the date of approval of such permit. Further, any permit that was issued before July 1, 2011 will also be valid for nine years from the date of approval of such permit. Pursuant to the new language of section 4 amending section 22a-42a(g) of the IWWA, the combined extensions of such permit, if renewal is sought, may lengthen the validity of such permit to a maximum of fourteen years.

It is important to note that for qualifying permits the extension of the initial length of the permit is automatic. Extensions by way of renewal are subject to a timely request by the permit holder.

Public Act No. 11-184 amends section 22a-40 of the General Statutes of Connecticut. Specifically, section 1 of the public act adds the withdrawal of water for fire emergency purposes as an as-of-right operation and use in wetlands and watercourses. Further, section 1 of the public act adds the installation of dry hydrants for firefighting purposes by or under the authority of a municipal fire department and under certain specified conditions as a new non-regulated use in wetlands and watercourses, and defines the term "dry hydrant".

A complete copy of Public Act No. 11-5 and Public Act No. 11-184 is attached for your information. Newly added language is underlined and deleted language is bracketed. You should plan to revise your inland wetlands agency regulations to reflect these amendments to the IWWA. The provisions of both section 22a-42a(g) and section 22a-40 of the General Statutes of Connecticut, as amended by both Public Act No. 11-5 and Public Act No. 11-184, govern until such time as your municipal regulations are amended. Section 4 of Public Act No. 11-5 became effective from the date of passage, which was May 9, 2011; and section 1 of Public Act No. 11-184 will become effective on October 1, 2011.

The following changes to the Inland Wetlands and Watercourses Model Municipal Regulations (IWWMMR) Fourth Edition, dated May 1, 2006, as amended by the Department of Energy and Environmental Protection's 2009 Legislation and Regulations Advisory, dated March 3, 2010, are made in order to conform to Public Act No. 11-5 and Public Act No. 11-184:

*Section 4: Permitted Uses as of Right & Nonregulated Uses*

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations.

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. ...
  - b. a residential home [(i)] (A) for which a building permit has been issued or [(ii)] (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
  - c. ...
  - d. ...
  - e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes [and];
  - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place[.]; and
  - g. Withdrawals of water for fire emergency purposes.
- 4.2 The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish and wildlife; [and]
- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated [.] and
- c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

#### *Section 7: Application Requirements*

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations.

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided [a)] no permit [issued during the time period from July 1, 2006, to July 1, 2009, inclusive,] shall be valid for more than [eleven] ten years. [; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years. ] and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.

#### *Section 11: Decision Process and Permit*

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations.

- 11.6 Any permit issued by the Agency [prior to July 1, 2006 or after July 1, 2009] for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency [prior to July 1, 2006 or after July 1, 2009] for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the Agency [during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years] prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.

Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Management Section at (860) 424-3019.

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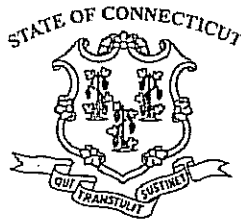


***Senate Bill No. 859***

not expired prior to the effective date of this section, shall expire not less than [six] nine years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than [eleven] fourteen years.

Approved May 9, 2011

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**Senate Bill No. 859**

**Public Act No. 11-5**

**AN ACT EXTENDING THE TIME OF EXPIRATION OF CERTAIN  
LAND USE PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (m) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) Notwithstanding the provisions of this section, any site plan approval made under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive] 2011, that has not expired prior to the effective date of this section, except an approval made under subsection (j) of this section, shall expire not less than [six] nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than [eleven] fourteen years from the date the site plan was approved.

Sec. 2. Subsection (e) of section 8-26c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of this section, any subdivision

**Senate Bill No. 859**

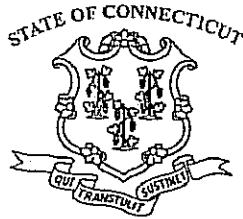
approval made under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive] 2011, that has not expired prior to the effective date of this section, shall expire not less than [six] nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided [the time for all extensions under this subsection shall not exceed eleven] no subdivision approval, including all extensions, shall be valid for more than fourteen years from the date the subdivision was approved.

Sec. 3. Subsection (c) of section 8-26g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of this section, [any approval of a subdivision of land for a project of four hundred or more dwelling units made during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than eleven years after the date of such approval] for any subdivision of land for a project consisting of four hundred or more dwelling units and approved prior to July 1, 2011, that has not expired prior to the effective date of this section, any person, firm or corporation making such subdivision shall complete all work in connection with such subdivision not later than the date fourteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such fourteen-year period expires.

Sec. 4. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section [during the period from July 1, 2006,] prior to July 1, [2009, inclusive] 2011, that has



***Substitute House Bill No. 5068***

***Public Act No. 11-184***

***AN ACT CREATING A REBUTTABLE PRESUMPTION FOR THE APPROVAL OF AN INLAND WETLANDS PERMIT FOR A DRY HYDRANT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22a-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

***Substitute House Bill No. 5068***

(2) A residential home [(i)] (A) for which a building permit has been issued, or [(ii)] (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;

(3) Boat anchorage or mooring;

(4) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided in any town, where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse;

(5) Construction and operation, by water companies as defined in section 16-1 or by municipal water supply systems as provided for in chapter 102, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403; [and]

(6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision,

*Substitute House Bill No. 5068*

"maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and

(7) Withdrawals of water for fire emergency purposes.

(b) The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

(1) Conservation of soil, vegetation, water, fish, shellfish and wildlife; [and]

(2) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated; and

(3) The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) Is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

(c) Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under sections 22a-28 to 22a-35, inclusive, or sections 22a-359b to 22a-363f, inclusive, shall not require any permit or

***Substitute House Bill No. 5068***

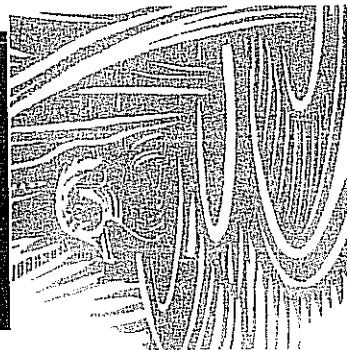
approval under sections 22a-36 to 22a-45, inclusive.

Approved July 13, 2011



2011

# Municipal Inland Wetland Commissioners Training Program: Segment 3



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Connecticut  
Center for Continuing Studies

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Connecticut Department of  
Energy & Environmental Protection  
79 Elm Street, Hartford CT 06106-5127  
Daniel C. Ery, Commissioner

## The 2011 Training Program

The Municipal Inland Wetland Commissioners Training Program is presented by the Connecticut Department of Energy & Environmental Protection (DEEP) Wetlands Management Section. Pursuant to the General Statutes of Connecticut Section 22a-39, the DEEP is charged with developing an annual comprehensive training program for inland wetlands agency members and staff. The annual program covers a broad range of legal, administrative and scientific subjects relevant to municipal inland wetlands regulation.

### Who should attend?

The Municipal Inland Wetland Commissioners Training Program is intended for Connecticut's 170 municipal inland wetlands agencies. The training program is organized into three segments in order to meet the varying needs and diverse backgrounds of agency members and staff. The three segments are designed as follows:

- ▲ Segment 1 is tailored for new agency members and staff.
- ▲ Segment 2 is recommended for all agency members and staff.
- ▲ Segment 3 is designed for agency staff (wetland agents) and experienced agency members.

### Is pre-registration required?

Due to limited enrollment, participants must pre-register. Registration is on a first-come, first-served basis with priority being given to inland wetlands agency members and staff. Registrants will receive confirmation and directions online or in the mail.

### What happens if a program segment is cancelled or rescheduled?

The DEEP reserves the right to cancel or reschedule the training program. Registrants will be notified at the earliest possible time and offered a different date/location. If the participant is unable to switch to a different date/location any paid registration fees will be refunded in full.

### Can a refund be made if a participant needs to cancel?

Registration fees are refundable only if cancellation is received 48 hours prior to the start of the program. If cancellation is received with less than 48 hours notice the participant will be charged the full program fee. Registration fees for the Segment 1 online course are refundable only if the registrant has not entered the online course. These cancellation policies apply to voucher registrants as well. Please call the UConn student services office at 877-892-6264 or 860-486-4905.

### Are program registration fees waived for any reason?

CT General Statute Section 22a-42(d) provides that the DEEP waive program registration fees for one person from each town. A voucher for Segment 3 of the 2011 Municipal Inland Wetland Commissioners Training Program has been sent to each town's inland wetlands agency with instructions on its use. To receive complimentary registration, the designated representative must include the original DEEP voucher with the mailed registration form or use the voucher code with online registration. Participants that register for a Segment using the voucher and fail to attend, or fail to cancel at least 48 hours prior to the start of the program, will be charged the full program fee.

### Which segment meets the agent training requirement pursuant to CT General Statute Section 22a-42a(c)(2)?

The Statute requires duly authorized wetland agents to complete the DEEP's comprehensive training program before the above authority can be delegated to them by their inland wetlands agency. Agents who have completed all segments of a DEEP Municipal Inland Wetland Commissioners Training Program offered annually since 1995 meet this requirement. Other agents must complete all segments of the 2011 or a future annual training program to meet this requirement.

# Workshop Description

## Segment 3

### Connecticut's Inland Wetlands and Watercourses Act: Connecticut's Soils

Segment 3 is designed for municipal inland wetlands agency staff and experienced commission members. This all-day program, conducted with assistance from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), will provide participants with an overview of soil science with an emphasis on the ability of soils to manage stormwater.

Pursuant to Connecticut's Inland Wetlands and Watercourses Act, wetlands are defined by soil type. Therefore it is important for municipal inland wetlands agency members and staff to have an understanding of Connecticut's soils in order to properly implement the law.

#### Important Program Details

All workshops will be conducted from 9:00 AM - 4:00 PM.

Pre-registration is required, no walk-in registrations will be allowed.

The afternoon portion of the program will be conducted outside, please dress appropriately for the weather and have suitable footwear.

Due to the popularity of Segment 3, please cancel (by calling 860-486-4905) if you cannot attend so that we may admit someone from the waiting list.

Cancellation must be received at least 48 hours prior to the start of the program for a refund.

Voucher registrants who fail to attend a Segment or fail to cancel at least 48 hours prior to the program will be charged the full program fee of \$65.00.

Morning refreshments will be provided.

It is highly recommended that participants bring a lunch or be prepared to purchase one at a nearby location.

# Registration Form Wetlands

## Segment 3 Fall 2011

Certificate Group # 3310

### Segment 3, Term 1118

☐ Saturday, October 22, Burlington, Sessions Woods Wildlife Management Area, (5301), 9:00 AM - 4:00 PM

☐ Tuesday, October 25, Burlington, Sessions Woods Wildlife Management Area, (5302), 9:00 AM - 4:00 PM

☐ Thursday, November 3, Vernon, Tolland County Agricultural Center, (5303), 9:00 AM - 4:00 PM

☐ Monday, November 7, Vernon, Tolland County Agricultural Center, (5304), 9:00 AM - 4:00 PM

Please copy this registration form for additional registrants.

#### Online registration:

Have credit card information ready.  
Visa, MasterCard, Discover, Diners International.  
<http://continuingstudies.uconn.edu/professional/dep/wetlands.html>

#### Mail:

Enclose completed form & DEEP voucher, check or P.O.:  
University of Connecticut, Student Services Office,  
One Bishop Circle, Unit 4056, Storrs, CT 06269-4056

Name \_\_\_\_\_  
(Name as it will appear on your certificate, if applicable.)

Phone: Day (\_\_\_\_) \_\_\_\_\_

Evening (\_\_\_\_) \_\_\_\_\_

Preferred Mailing Address: ☐ Home ☐ Business

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Please list any special needs you may have.

*The following required information must be provided for this registration form to be processed.*

Check one of the following:

☐ I am a member of my municipal Inland Wetlands Agency for the Town/City of: \_\_\_\_\_

☐ I am a municipal employee hired/assigned to support the Inland Wetlands Agency for the Town/City of: \_\_\_\_\_

My title is: \_\_\_\_\_

☐ Other, please briefly explain (i.e.: Conservation commission member, concerned citizen, consultant, etc.) \_\_\_\_\_

**Fee: \$65 per course section**  
(includes handouts and refreshments)

☐ DEEP voucher # \_\_\_\_\_ enclosed.

☐ Check enclosed made payable to UConn.

☐ PO# \_\_\_\_\_

**Directions to segment locations are available online at**  
<http://continuingstudies.uconn.edu/professional/dep/wetlands.html>.

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